

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA

In re	)	
	)	BANKRUPTCY GENERAL ORDER
REQUIREMENT TO SUBMIT	)	
PETITION, SCHEDULES AND	)	NO. 165
STATEMENTS ON COMPUTER	)	
DISKETTE IN ALL CASES, AND	)	
AMENDMENT TO ADVERSARY	)	
DISCOVERY AND DISMISSAL	)	
PROCEDURES	)	
_____	)	

In order to improve case processing and update the Local Bankruptcy Rules to conform with changes in the Federal Rules of Bankruptcy Procedure;

IT IS ORDERED that effective JANUARY 1, 2002, Local Bankruptcy Rules 1007-2(a)(13), 1007-2(b), 7016-2, 7016-3, 7026-1 and 7041-2 be amended to read as follows:

Local Bankruptcy Rule 1007-2(a)(13) and (b):

(13) One computer diskette containing a pdf file of items 2 through 12 above [*i.e.; petition, schedules and statements*] and the names and addresses of creditors and other parties in interest submitted pursuant to Local Bankruptcy Rule 1007-1. If financial constraints and/or the inability to access the equipment necessary to produce the diskette would cause an undue hardship on the debtor, a scannable creditor matrix must be submitted accompanied by an executed *REQUEST FOR WAIVER OF CREDITOR MATRIX-DISKETTE REQUIREMENT* [CSD 1010].

(b) **NUMBER OF COPIES.** The court requires that the original petition and all attachments be accompanied by additional copies. The number of required copies includes a copy to be conformed with the clerk's filing stamp and returned to the person presenting it for filing, as provided in Local Bankruptcy Rule 9004-3(n).  
Number of copies required:

- (1) Chapter 7, 11, and 12 Cases - the original and ~~three~~ ~~(3)-two~~ (2) copies.
- (2) Chapter 13 Cases - the original and two (2) copies.

## 7016-2. ~~EARLY MEETING~~ CONFERENCE OF COUNSEL.

(a) ~~TIME OF EARLY MEETING~~ CONFERENCE. In all proceedings governed by Part VII of the Fed. R. Bankr. P., the parties shall comply with this Local Bankruptcy Rule, unless all defendants have defaulted. The plaintiff shall serve with the summons and complaint, a notice that compliance with this rule is required and a copy of Local Form CSD 3018, *NOTICE OF COMPLIANCE RE: EARLY CONFERENCE OF COUNSEL*. The plaintiff shall file the proof of service of the notice together with the proof of service of the summons and complaint within the time provided by Local Bankruptcy Rule 9006-3. Counsel for the parties shall ~~meet in person~~ confer for the purposes set forth below. Such ~~meeting~~ conference shall take place no later than thirty (30) days after the date all defendants have appeared or defaulted or ~~sixty (60)~~ forty-five (45) days from the date of the first appearance of any defendant, whichever occurs first. Where there are multiple defendants, ~~counsel for the plaintiff or its counsel~~ shall take all reasonable steps to schedule the meeting or conference call so that counsel for all parties can attend. Where necessary, in multi-defendant cases and upon a showing of good cause, the court may grant an application for an extension of time within which to hold the early meeting.

(b) ~~PURPOSE OF MEETING~~ CONFERENCE. At the ~~meeting~~ conference required by this Rule, the parties shall:

- (1) **DOCUMENTS.** ~~Exchange all documents then reasonably available to a party which are then contemplated to be used in support of the allegations of the pleadings filed by the party.~~ Exchange all documents and make all disclosures required by Fed. R. Bankr. P. 7026(a)(1) or fix a date to make such exchange.
- (2) **DISCOVERY.** ~~Exchange preliminary schedules of discovery. Develop a discovery plan using Official Form 35 of Fed. R. Civ. P. Exhibit A to Local Form 3018, CERTIFICATE OF COMPLIANCE.~~
- (3) **OTHER EVIDENCE.** Exchange any other evidence then reasonably available to a party to obviate the filing of unnecessary discovery motions.
- (4) **LIST OF WITNESSES.** Exchange a list of witnesses then known to have knowledge of the facts supporting the material allegations of the pleading filed by the party. The parties will then be under a continuing obligation to advise the opposing party of other witnesses as they may become known.

~~(5) **DISCOVERY PLAN.** Except as required by Fed. R. Bankr. P. 7026(f)(2), the plan of discovery shall indicate the parties' views and proposals concerning the subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused upon particular issues.~~

~~(6-5) **SETTLEMENT.** Discuss settlement of the proceeding. Discuss settlement possibilities, including the parties' willingness to go to mediation. If mediation agreed to, designate the first choice and alternate choice of mediator, using court-maintained mediator list or other mutually acceptable mediator.~~

~~(c) **CERTIFICATE OF COMPLIANCE AND NOTICE OF HEARING FOR PRE-TRIAL STATUS CONFERENCE.** No less than five (5) court days prior to the first pre-trial status conference, counsel shall file a written certification that they have complied with the requirements of this section. No later than five (5) days after the Early Conference of Counsel or Parties, a joint *CERTIFICATE OF COMPLIANCE*, Local Form CSD 3018, signed by all parties or counsel shall be filed by the counsel for the plaintiff together with Local Form CSD 3019, *NOTICE OF PRE-TRIAL STATUS CONFERENCE*. In advance of filing said *NOTICE OF HEARING FOR PRE-TRIAL STATUS CONFERENCE*, it shall be the responsibility of plaintiff or its counsel to obtain a hearing date for the pre-trial status conference from the courtroom deputy and serve said notice on all other parties.~~

### **7016-3. SETTING AND NOTICE.**

~~The court~~ After obtaining a hearing date from the courtroom deputy, plaintiff or counsel for the plaintiff shall give notice setting a pre-trial status conference on the calendar of the judge to whom the underlying bankruptcy case has been assigned.

### **7026-1. APPLICABILITY OF RULE.**

~~Except as specifically ordered by a bankruptcy judge, the parties are not required to comply with the following provisions of Fed. R. Bankr. P. 7026: Fed. R. Bankr. P. 7026(a)(1)-(4) (pretrial disclosures); Fed. R. Bankr. P. 7026(d) (insofar as it precludes certain discovery before meeting of counsel), and Fed. R. Bankr. P. 7026(f) (meeting of parties) except as required by Local Bankruptcy Rule 7016-2. Unless the court directs otherwise, all adversary proceedings and all contested matters under Fed. R. Bankr. P. 9014 to which the adversary rules apply, shall comply with Fed. R. Bankr. P. 7026 by following those procedures set forth in Local Bankruptcy Rule 7016-2. Failure to~~

timely comply will be cause for issuance of a notice of dismissal.

**7041-2. DISMISSAL FOR WANT OF PROSECUTION.**

Actions or proceedings which have been pending in this court for more than ~~six (6)~~ three (3) months without any action having been taken during such period, may, after notice, be dismissed without prejudice unless otherwise ordered by the court.

IT IS FURTHER ORDERED that the period of comment shall be now until NOVEMBER 30, 2001. The effective date of these rule will be JANUARY 1, 2002. Any comments should be submitted to the Clerk of Court at 325 West "F" Street, San Diego, CA 92101-6991. Please note on the envelope: "In re: LOCAL RULES."

DATED: November 1, 2001

/s/ John J. Hargrove  
JOHN J. HARGROVE  
Chief Judge, U.S. Bankruptcy Court

/s/ James W. Meyers  
JAMES W. MEYERS  
Judge, U.S. Bankruptcy Court

/s/ Louise DeCarl Adler  
LOUISE DeCARL ADLER  
Judge, U.S. Bankruptcy Court

/s/ Peter W. Bowie  
PETER W. BOWIE  
Judge, U.S. Bankruptcy Court